

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

SECURITIES AND EXCHANGE §  
COMMISSION §  
v. § Civil Action No. 4:16-CV-00246  
WILLIAM E. MAPP, III § Judge Mazzant  
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§

**MEMORANDUM OPINION AND ORDER**

Pending before the Court are Defendant William E. Mapp, III's Motion to Strike Plaintiff's Summary Judgment Evidence (Dkt. #121).

In separate Memorandum Opinion and Order issued contemporaneously with this Order, the Court found that Plaintiff's motion for summary judgment should be denied as to all claims, except as to the issue of integration, because Plaintiff failed to meet its burden to show that there are no issues of material fact and that it was entitled to judgment as a matter of law. In light of this holding, the Court finds that this motion to strike Plaintiff's summary judgment evidence is moot in light of the Court's Order.<sup>1</sup>

**CONCLUSION**

Based on the foregoing, the Court finds Defendant's Motion to Strike Plaintiff's Summary Judgment Evidence (Dkt. #121) is **DENIED** as moot.

**IT IS SO ORDERED.**

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<sup>1</sup> The Court reviewed Defendant's motion to strike. However, striking this evidence would not change the result of the Court's order on the motion for summary judgment, as there are still existing issues of material fact that must be resolved by a jury. As such, the motion is moot.

SIGNED this 8th day of November, 2017.



AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE